



APPLICATION ACCEPTED: October 16, 2012
BOARD OF ZONING APPEALS: January 9, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 2, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-HM-068

HUNTER MILL DISTRICT

APPLICANTS/OWNERS: David Michael Semanchik
Rachel Leigh Semanchik

SUBDIVISION: Shaker Woods

STREET ADDRESS: 11724 Lake Forest Drive, Reston, 20194

TAX MAP REFERENCE: 11-3 ((20)) 13

LOT SIZE: 17,880 square feet

ZONING DISTRICT: PDH-1

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit within an existing dwelling.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-HM-068 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\vhorne\Special Permits\Semanchik ADU\Semanchik staff report.doc

Rebecca Horner

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

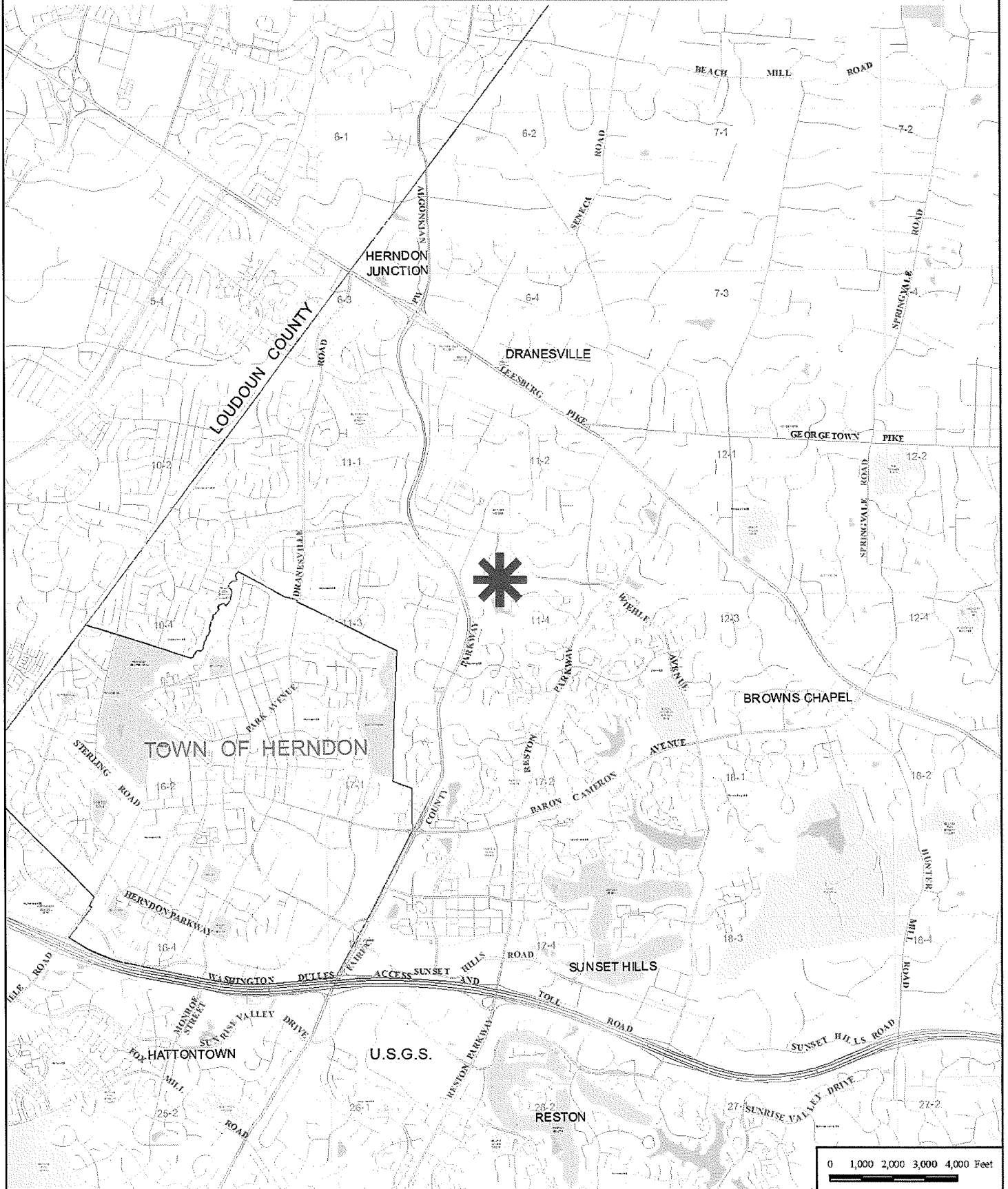


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

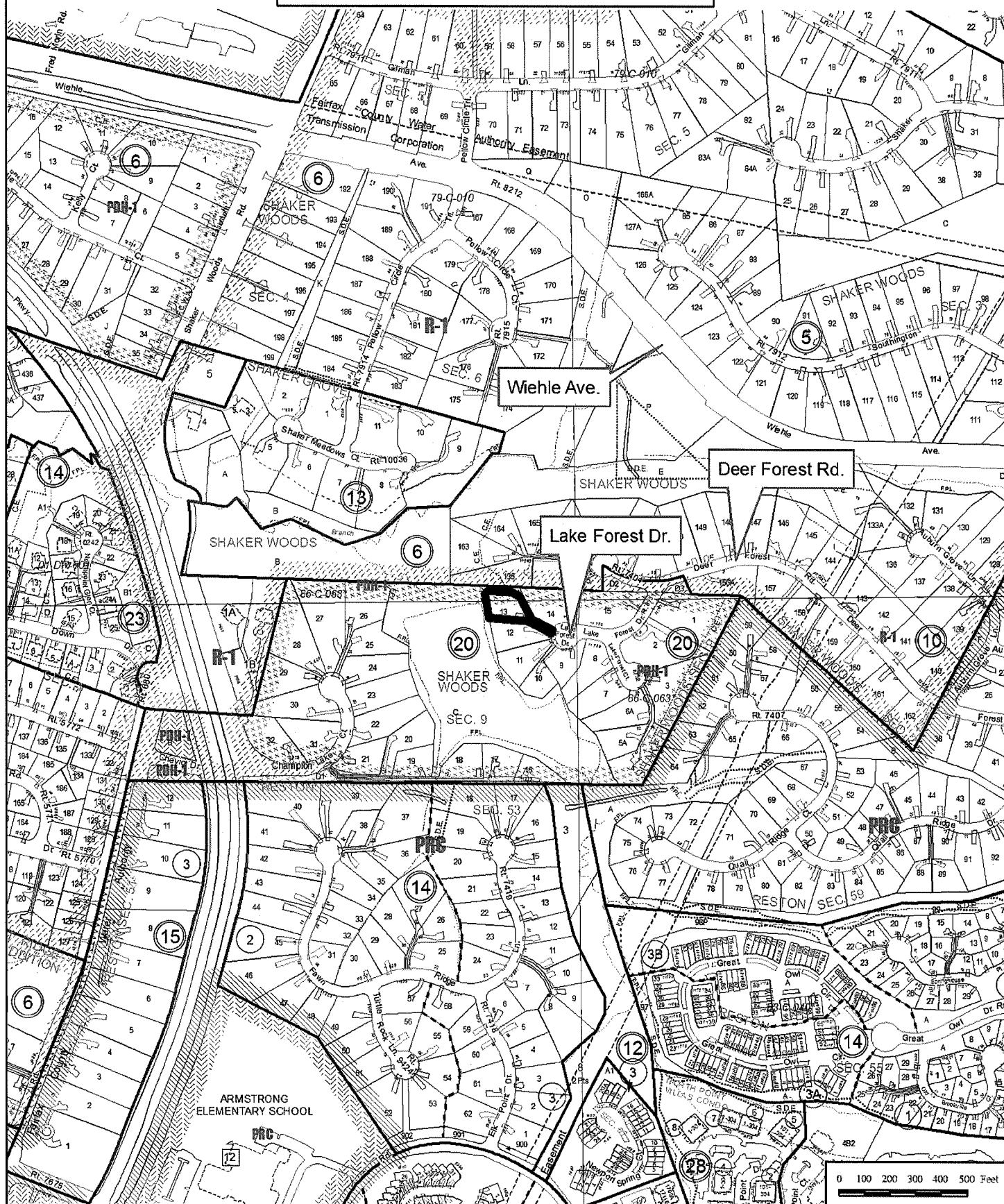
Special Permit

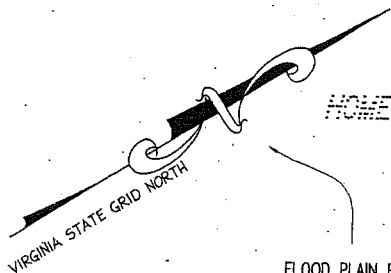
SP 2012-HM-068

DAVID MICHAEL SEMANCHIK AND RACHEL
LEIGH SEMANCHIK



SP 2012-HM-068
DAVID MICHAEL SEMANCHIK AND RACHEL
LEIGH SEMANCHIK





PARCEL "C"
HOMEOWNERS ASSOCIATION

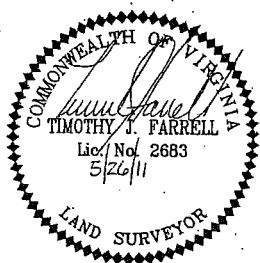
FLOOD PLAIN ESM'T.
DB 7240 PG 1845

LEGEND:

I.P.F. DENOTES IRON PIPE FOUND
-X- DENOTES FENCE LINE
N/F DENOTES NOW OR FORMERLY
DB, PG DENOTES DEED BOOK AND
PAGE

NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP# 51059C0130E EFFECTIVE DATE: SEPTEMBER 17, 2010
- 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES. (INCLUDING FENCES)
- 4) LOCATION OF FENCES (IF ANY) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 011-3-20-0013.
- 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
- 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 7380, PAGE 1365 (UNLESS NOTED OTHERWISE).



HOUSE LOCATION SURVEY

LOT 13

SECTION 9

SHAKER WOODS

HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

LOT 13
17,880 SQ. FT.
OR
0.4104 ACRE

LOT 12

LOT 14

LAKE FOREST DRIVE
(50' R/W)

RECEIVED
Department of Planning & Zoning

AUG 31 2012

Zoning Evaluation Division

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. ARMSTRONG

JOB# 20111614

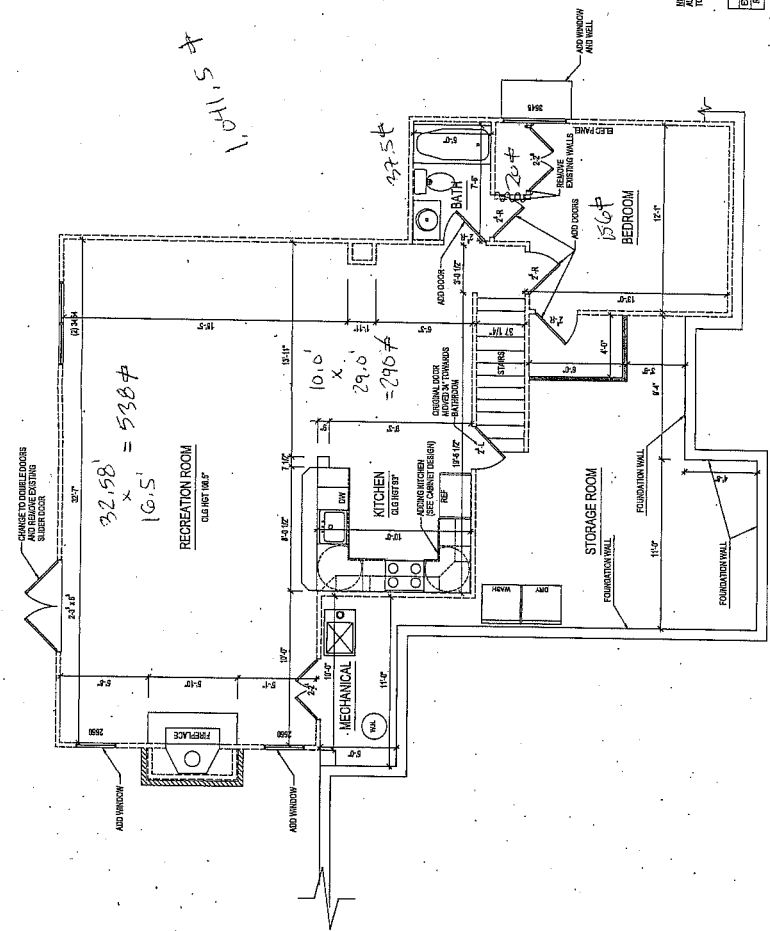
SEMANCHICK-BASE
FOR
Dave and Rachel Semanchick
LOCATION:
LOT #:

PRINT DATE
08/09/2012



REMARKS	BASEMENT	REV. NO.	DATE
	REMODEL		

- PLAN NOTES:
1. ALL DIMENSIONS ARE TO THE OUTSIDE OF MASONRY OR ROUGH FRAME.
 2. SCOPE EXTERIOR SLABS AWAY FROM BUILDING FOUNDATION.
 3. ALL BEAMS AND LOCATIONS ARE TO BE VARIOUS.
 4. WITH THE ENGINEERED FLOOR SYSTEM LAYOUT.
 5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES.
 6. FOUNDATIONS TO BE CONSTRUCTED TO THE LEVEL OF BED.
 7. ALL FRAMED WALLS ARE CONSIDERED 24" WALL UNLESS NOTED OTHERWISE.
 8. 24" WALL - R20
 9. HEADERS ABOVE OPENINGS 24" UP OR LVL



NOTE:
ALL NEW ADDED DOORS
TO BE 3'0\"/>

FOUNDATION/BASEMENT PLAN PROPOSED

SCALE: 1/8"=1'-0"

(14)

August 2012 Photograph



Cul-de-sac view from street

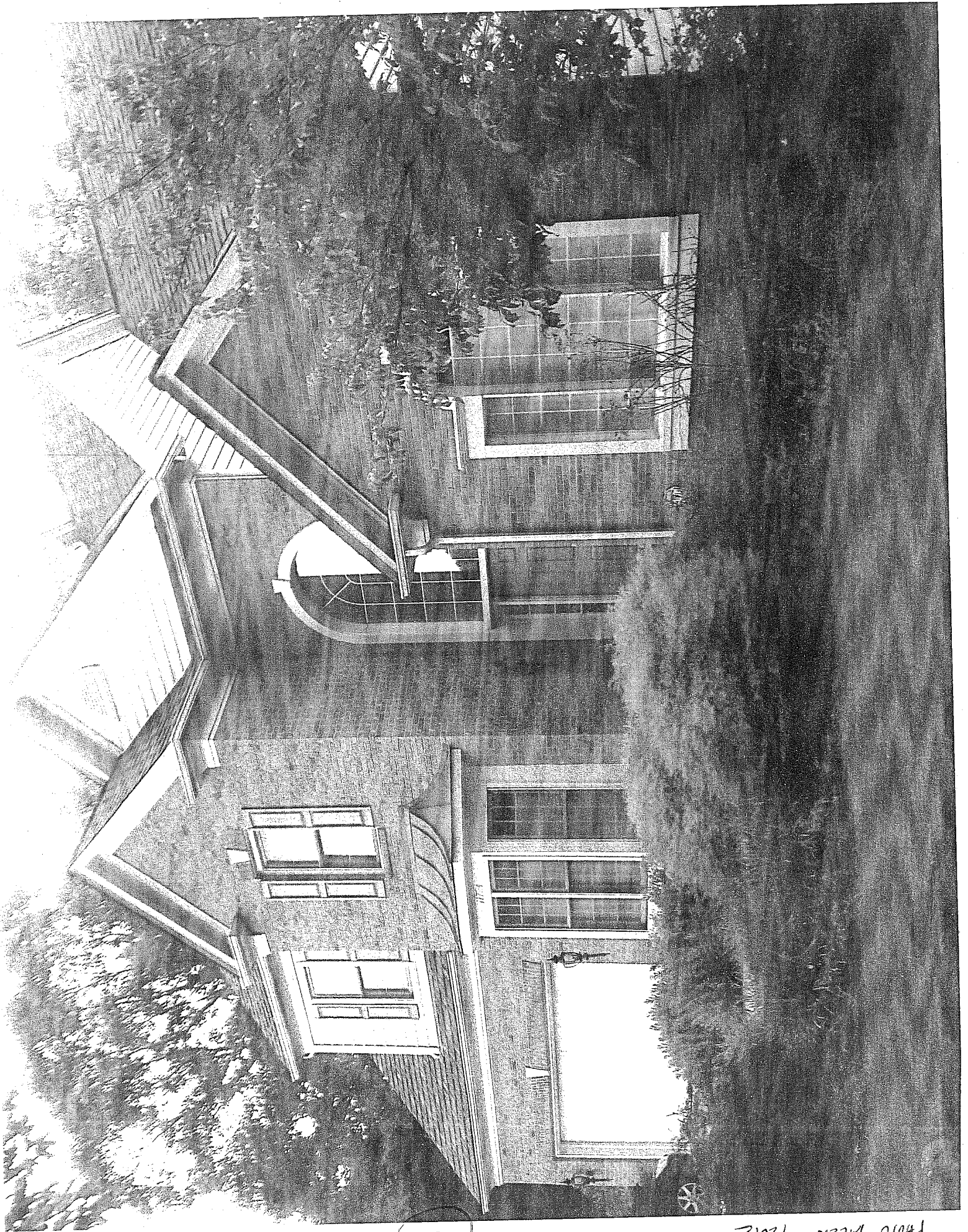
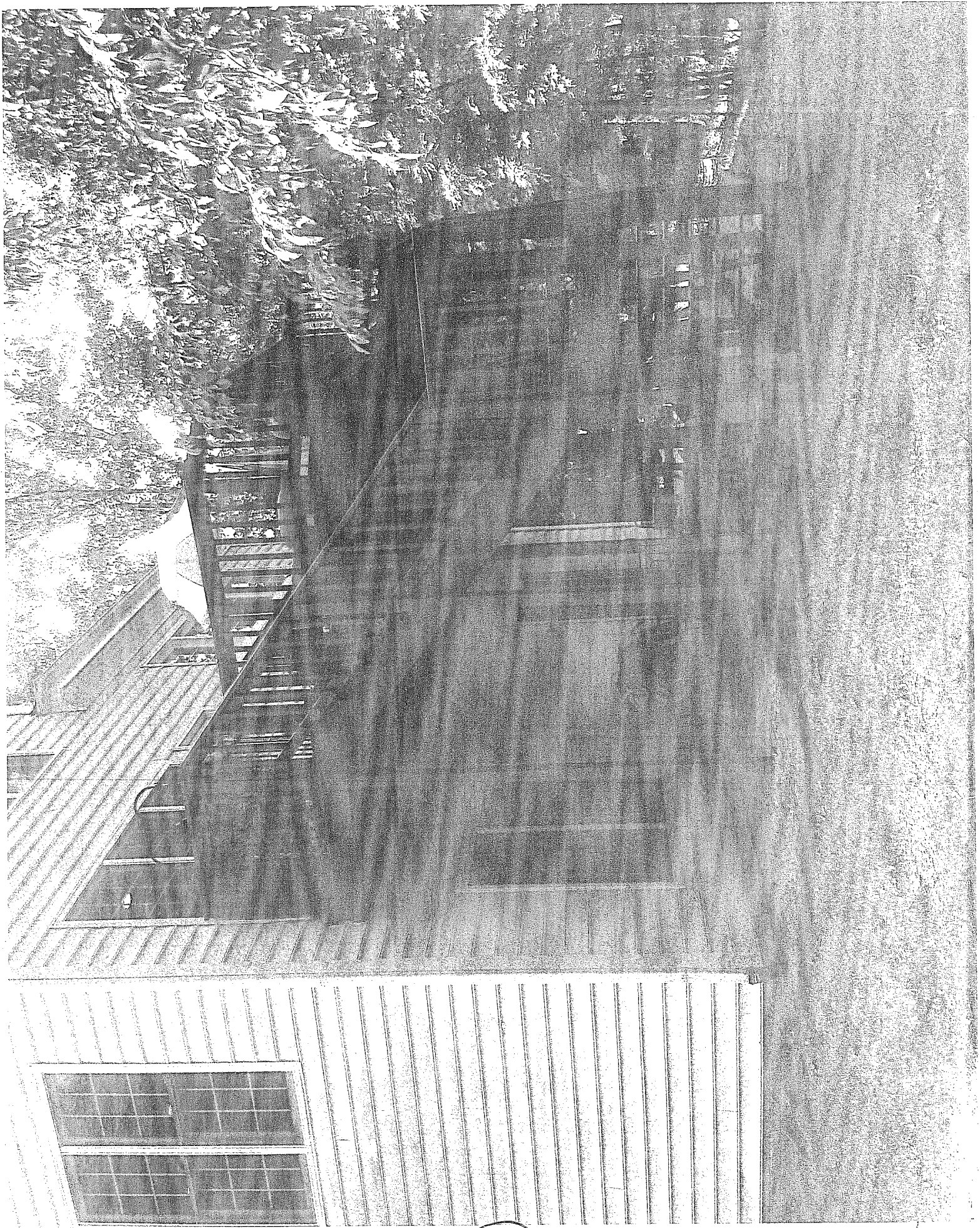


PHOTO TAKEN 8/2012

2



8/2012 photo

5



9

8/12/12



3

8/2012 PHOTO



4

8/2012 PHOTO

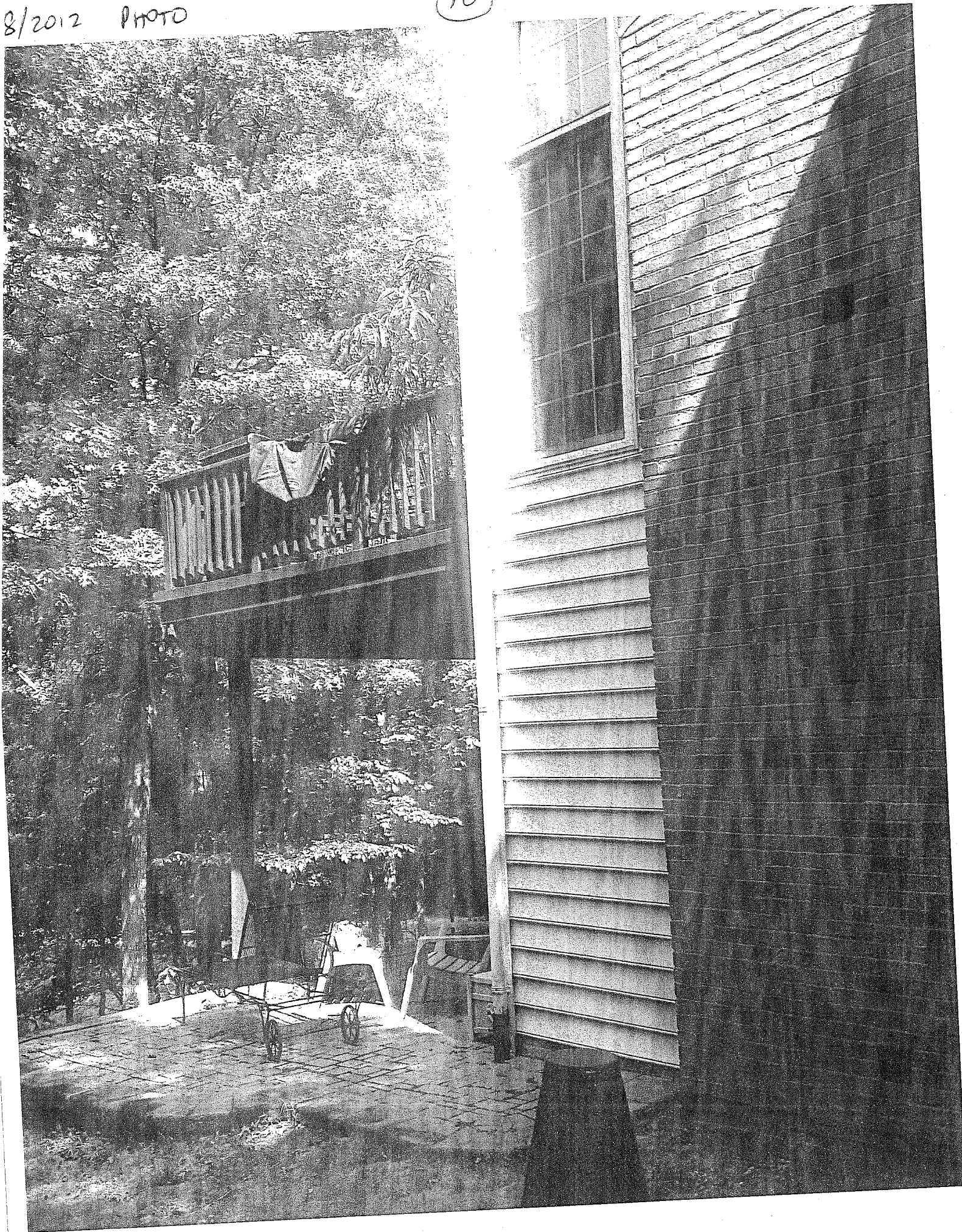


9

8/2012 PHOTO

8/2012 PHOTO

(10)



(13)

August 2012 Photograph



Cul-de-sac view from street

↑ West

(15)

August 2012 Photograph

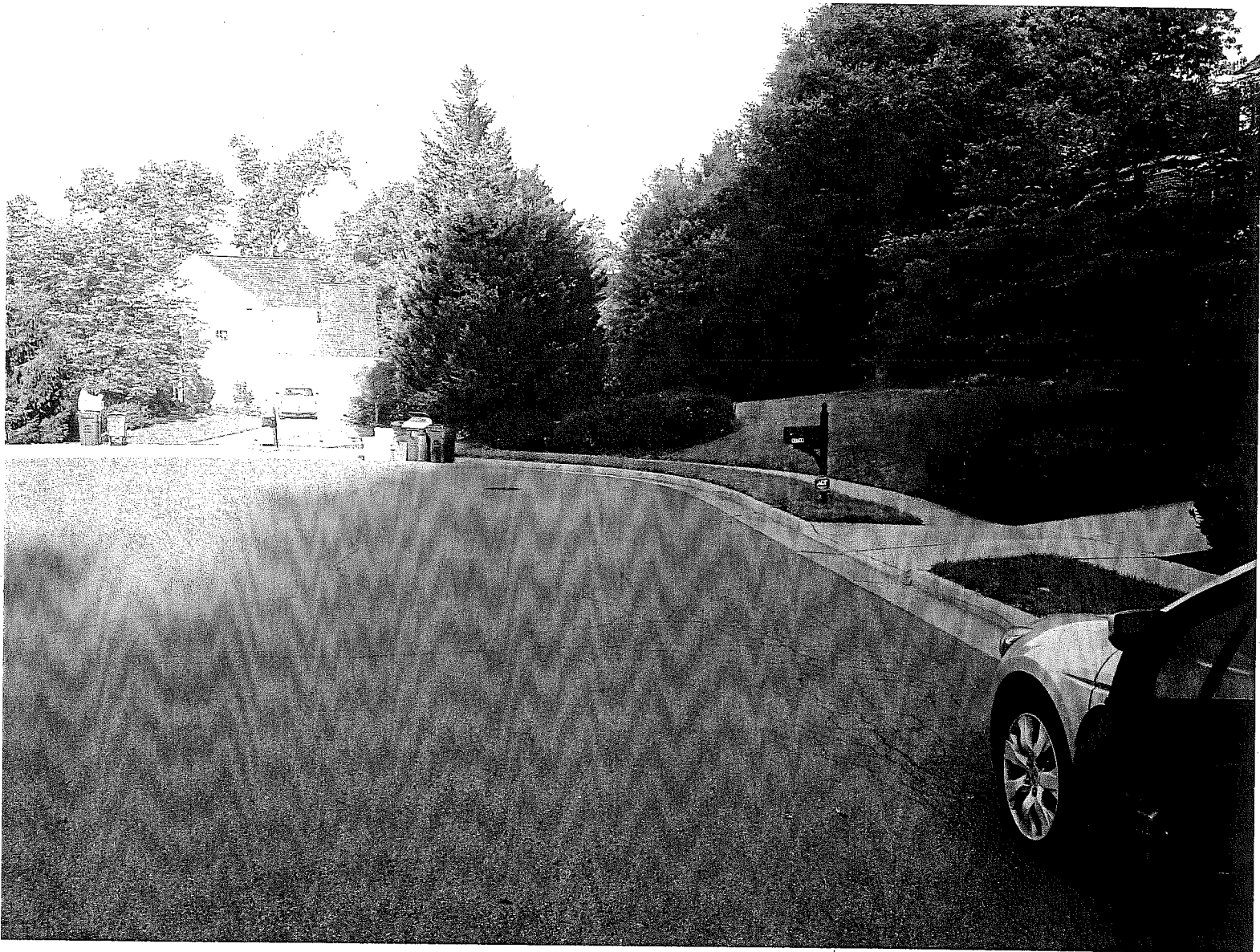


Cul-de-sac view from street

↑ West

(16)

August 2012 Photograph

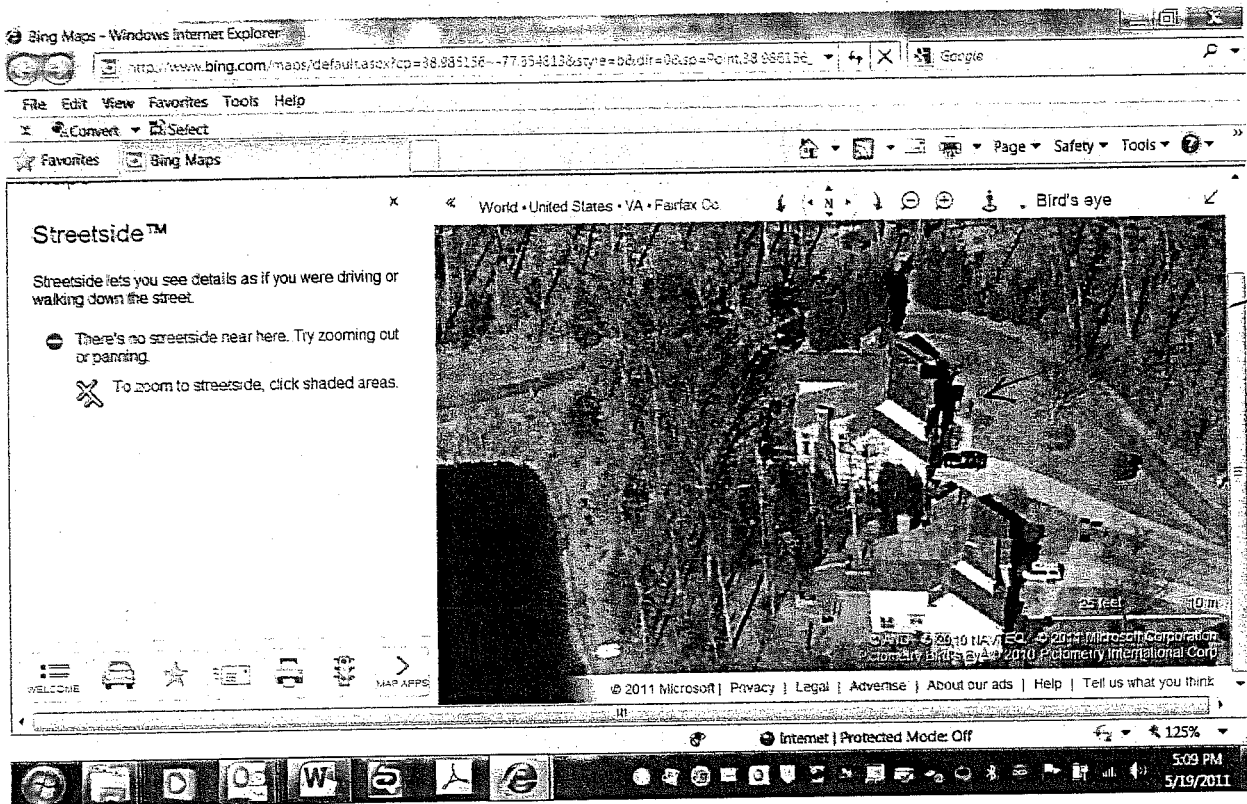


Cul-de-Sac view from street

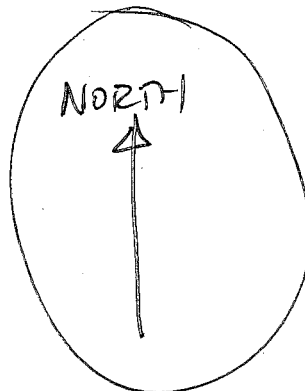
↑ West

MAY 2011 PHOTOGRAPHS

Lake Forest house via "Bing" search engine's "bird's eye view"



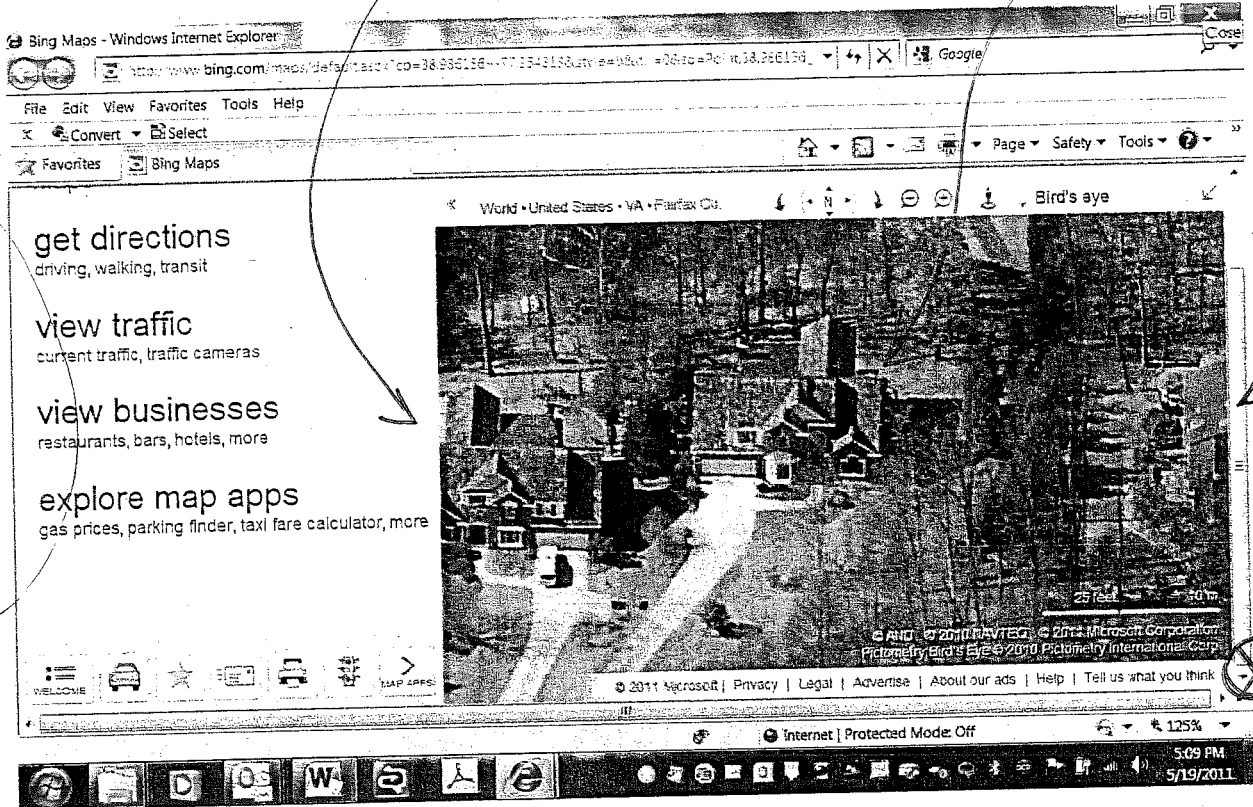
SUBJECT
PROPERTY,
11724
LAKE
FOREST
DR.



NEIGHBOR
#1
11725
LAKE FOREST DR.

NEIGHBOR #2
11725 LAKE FOREST DR.

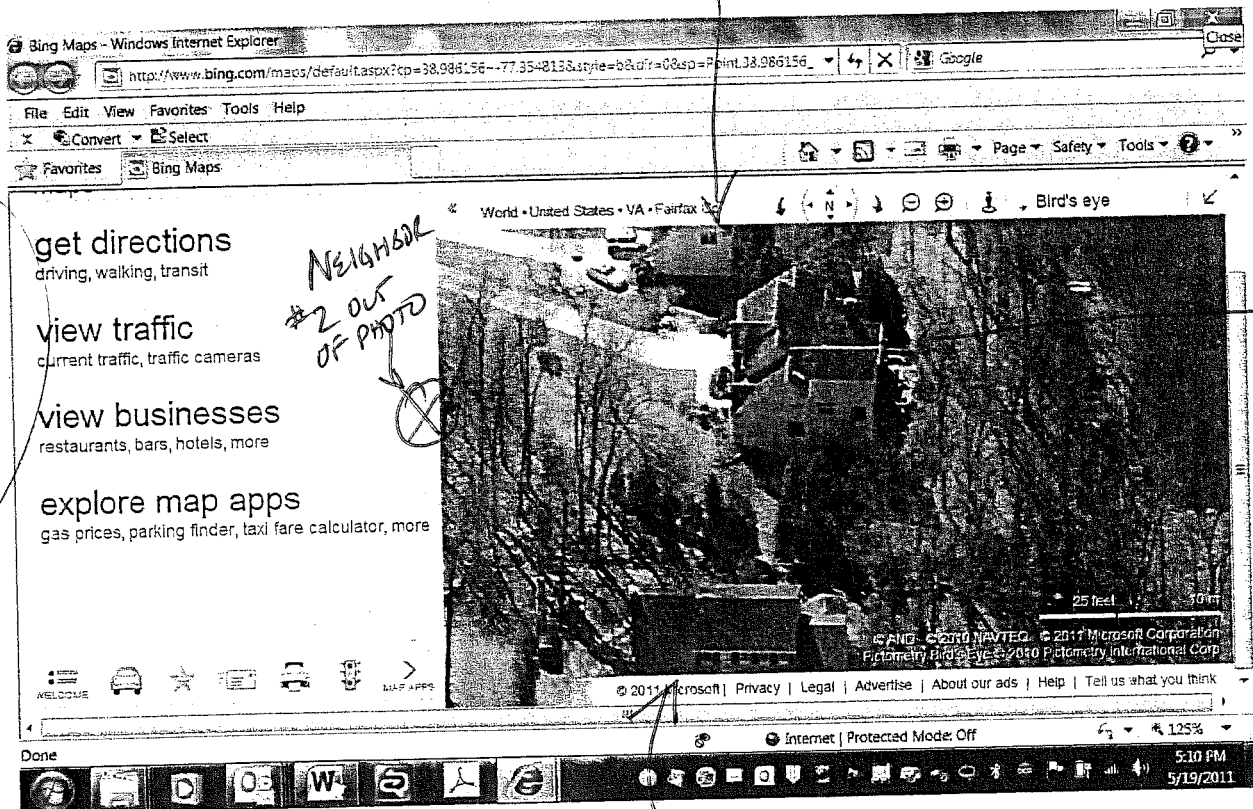
SUBJECT PROPERTY
11724 LAKE FOREST DR.



NEIGHBOR
#4 IN
OTHER
SUBDIVISION

NEIGHBOR
#2
OUT
OF
PHOTO

NEIGHBOR #2



NEIGHBOR
#2 OUT
OF PHOTO

SUBJECT
PROPERTY

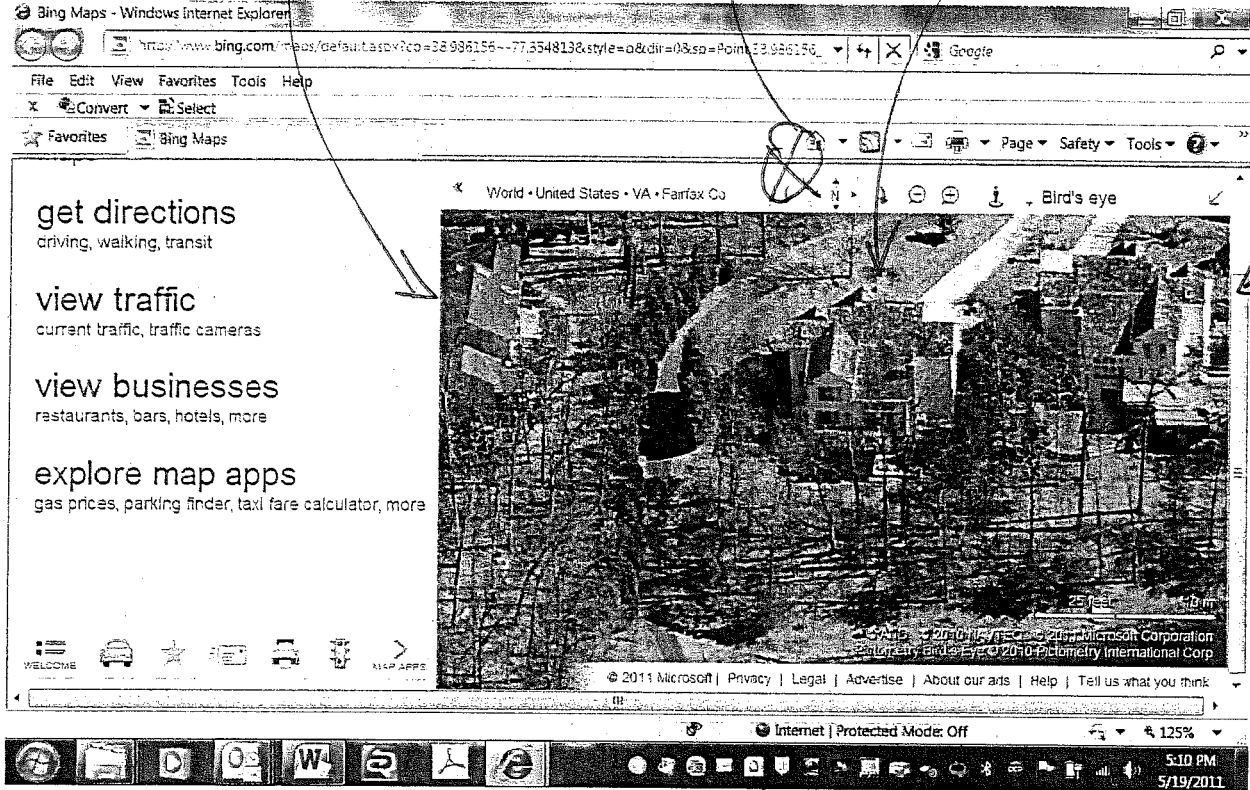
NEIGHBOR #4 IN OTHER SUBDIVISION.

MAY 2011

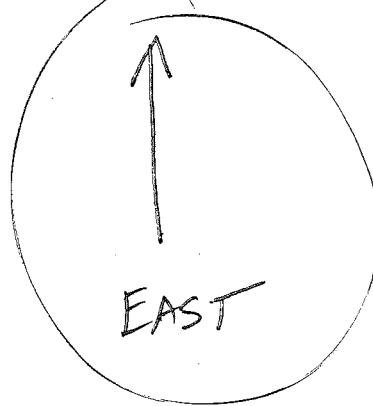
NEIGHBOR #4

NEIGHBOR
#2 OUT
OF PHOTO

SUBJECT
PROPERTY



NEIGHBOR
#2



MAY 2011

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit within an existing single family detached dwelling.

Size of Principal Dwelling: 3,943 square feet

Size of Accessory Dwelling Unit: 1,041.5 square feet (26.4%)

Lot Size: 17,880 square feet

LOCATION AND CHARACTER OF THE AREA

The application property is located at 11724 Lake Forest Drive, which is on a cul-de-sac located within the Shaker Woods subdivision. The 17,880 square foot site is developed with a single family detached two-story dwelling, with a walk-out lower level, built in 1993. An existing hard surfaced driveway is accessed from Lake Forest Drive and terminates along the eastern side of the dwelling at a two car garage. There is a sidewalk extending from the driveway to the front of the dwelling.

The accessory dwelling unit is accessed through the front door of the house or at the walk out rear door that enters directly into the recreation room of the accessory dwelling unit in the lower level of the dwelling.

The lot slopes from the front to the back slightly toward an adjacent lake. There are many existing shrubs and several trees located along the foundation and throughout the yard.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-1
South	Single Family Detached Dwellings	PDH-1
East	Single Family Detached Dwellings	PDH-1
West	Single Family Detached Dwellings	PDH-1

BACKGROUND

The area was zoned PDH-1, approved by the Board of Supervisors on February 23, 1987 and subject to proffers. The proffers do not prohibit this use. The house was built in 1993.

Records indicate there were no other applications for accessory dwelling units filed or approved for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: House Location Survey, Lot 13, Section 9, Shaker Woods

Prepared By: B.W. Smith and Associates, Inc.

Dated: May 26, 2011, as signed and sealed by Timothy J. Farrell, Land Surveyor

Proposed Use

The property owners propose to establish a new accessory dwelling unit in the lower level of the existing two-story single family detached dwelling. One of the applicants' mother, currently living in the main dwelling unit, plans to relocate to the lower level. The applicants' mother is over the age of 55, not disabled, and drives one car. The applicants have a valid building permit to finish the basement, excluding the kitchen. The applicants would like to build a kitchen in the basement for the accessory dwelling unit. An attached floor plan shows how the basement space will be divided and used. There is an existing storage room in the basement area which is presently used by the applicants. This space is proposed to remain in use by the occupants of the principal dwelling and is not intended for the sole use of the accessory dwelling unit. The existing two-story dwelling consists of approximately 3,943 square feet, and proposes the accessory dwelling unit to be 1,041.5 square feet, or 26.4% of the gross floor area (GFA) of the structure. As shown on the floor plan at the front of the report, the unit consists of one bedroom, a bathroom, a kitchen and living spaces. Both the principal and accessory dwelling units will be occupied by family members.

The site can accommodate up to two vehicles within the existing garage and at least two in the driveway. There are no proposed exterior site modifications with this application.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling on site currently meets all bulk regulations for the PDH-1 Zoning District.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-903 and 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 4. Subject to development conditions, the special permit must meet these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2012-HM-068 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-HM-068****January 2, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-HM-068 located at Tax Map 11-3 ((20)) 13 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, David and/or Rachel Semanchik, and is not transferable without further action of this Board, and is for the location indicated on the application, 11724 Lake Forest Drive, (17,880 square feet), and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by B.W. Smith and Associates, Inc., dated May 26, 2011, as signed and sealed by Timothy J. Farrell, Land Surveyor, and approved with this application, as qualified by these development conditions.
4. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 1,041.5 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

7. All applicable trade permits and final inspections shall be obtained for the kitchen components of the accessory dwelling unit.
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory dwelling unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site as shown on the special permit plat.

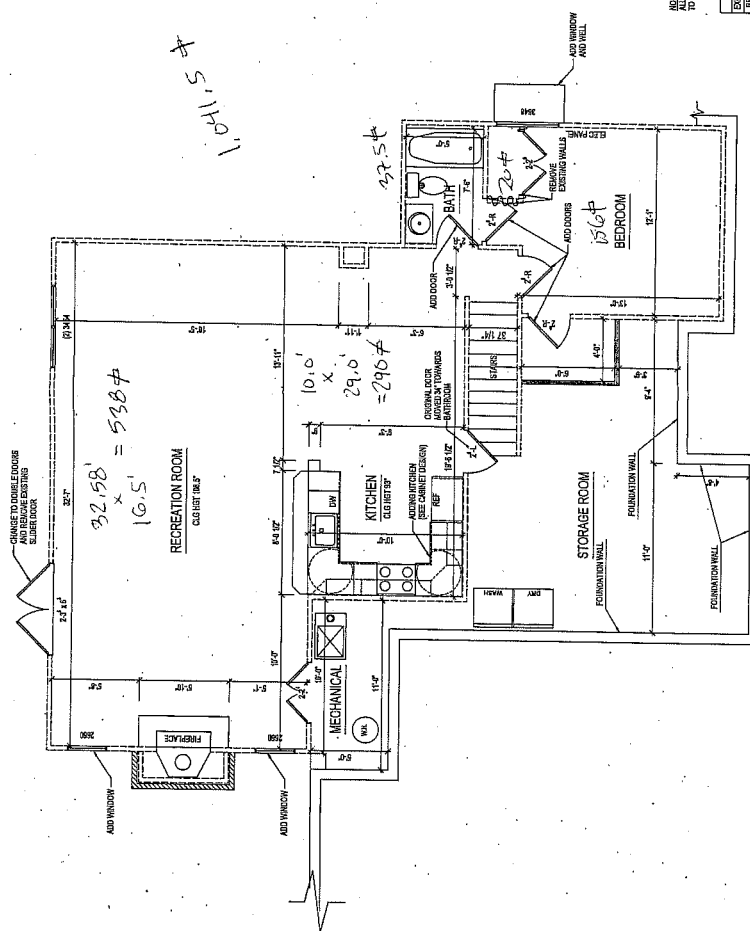
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

[illegible]

FOUNDATION/BASEMENT PLAN PROPOSED

SCALE: 1/8"=1'-0"



NOTE:
ALL NEW ADDED DOORS
TO BE 10" WIDE

EXISTING WALLS	NEW WALLS
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PLAN NOTES:

1. ALL DIMENSIONS ARE TO THE OUTSIDE OF MASONRY OR ROUGH FRAME
2. SLOPE EXTERIOR SLABS AWAY FROM BUILDING FOUNDATION WALLS FOR DRAINAGE
3. ALL BEAMS AND LOCATIONS ARE TO BE VARIED WITH THE ENGINEERED FLOOR SYSTEM LAYOUT
4. ALL BEAMS AND LOCATIONS ARE TO BE VARYING WITH THE BUILDER
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES
6. DIMENSIONS TO BEAM LOCATIONS ARE TO THE CENTER OF BEAM
7. ALL FRAMED WALLS ARE TO BE CONSIDERED 24 WALLS UNLESS NOTED OTHERWISE
8. CONCRETE FLOOR MINERAL WOOL
2"X4 WALL = R20
2"X6 WALL = R24
8" HEADERS ABOVE OPENINGS 2"X10 OR LVL

Application No.(s):

SP 2012-HM-068

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

AUGUST 29, 2012

(enter date affidavit is notarized)

I, David Michael Semanchik

, do hereby state that I am an

(enter name of applicant or authorized agent)

(check one)

☒

applicant

☐

applicant's authorized agent listed in Par. 1(a) below

117830

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
David M. Semanchik (undersigned)	11724 Lake Forest Drive, Reston, VA 20194	Co-Applicant (self)
Rachel L. Semanchik	11724 Lake Forest Drive, Reston, VA 20194	Co-Applicant

(owners)

(check if applicable)

☐

There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2012-HM-068
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/29/12
(enter date affidavit is notarized)

117830

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Not applicable.

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-HM-068

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

8/29/12

(enter date affidavit is notarized)

117830

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

Not applicable.

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-HM-068

(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

8/24/12

(enter date affidavit is notarized)

117830

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

None.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2012-HM-068

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

8/29/12

(enter date affidavit is notarized)

117830

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on line below.)

None.

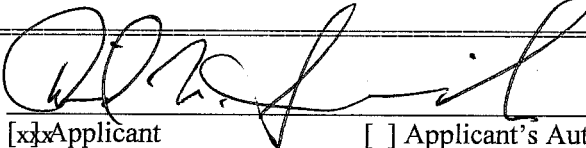
(**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)



☒ Applicant

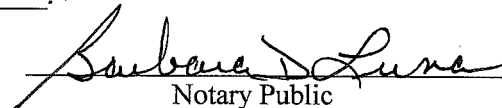
☐ Applicant's Authorized Agent

David M. Semanchik, Owner and Co-Applicant

(type or print first name, middle initial, last name, and title of signee)

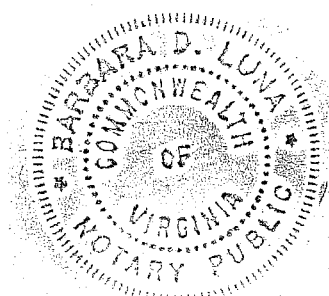
State of Virginia
County of Fairfax

Subscribed and sworn to before me this 29th day of August 2012, in the State/Comm. of Virginia, County/City of Fairfax.


Notary Public

My commission expires: May 31, 2013

Notary Reg. No. 154164



BEFORE THE
FAIRFAX COUNTY DEPARTMENT OF PLANNING AND ZONING
ZONING EVALUATION DIVISION

In re Application of David Michael Semanchik
and Rachel Leigh Semanchik
for Accessory Dwelling Unit at
11724 Lake Forest Drive, Reston, VA 20194

Application Number _____

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

We are the owners of our single family detached home at the above address in Reston, Virginia, where we live with our two children, ages 2 and 5. By this application, we seek approval for the conversion of our walkout basement to a mother-in-law suite, including a full kitchen, for Co-Applicant Rachel's mother, Diane Keller. Ms. Keller is 66 years old, and has retired from her position with the State of Maryland. We look forward to having her move in with us, as do her grandchildren. Additionally, as full-time working parents, Ms. Keller will provide much needed support to our children in the afternoons when they get home from school.

This application is fully consistent with the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units as found at Appendix 5 of the Zoning Ordinance, and with Part 9, Article 8 of the Zoning Ordinance. The application meets the standards set forth in Section 8-918 ("Additional Standards for Accessory Dwelling Units") as follows:

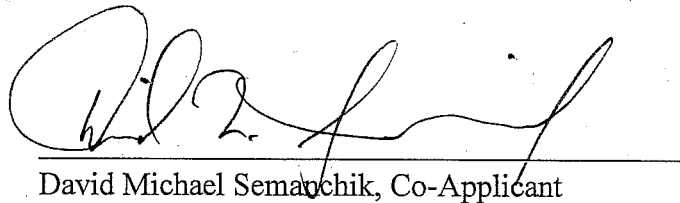
1. **Response to Standard 1:** This application is for one accessory dwelling unit (ADU) in our single family detached dwelling unit.
2. **Response to Standard 2:** The subject lot is 0.4104 acres, and the ADU is located within the existing structure. The existing structure has an external entrance along the back (i.e., the western face), and that entrance will remain.

3. **Response to Standard 3:** The gross floor area of the ADU is 1023 square feet. The total square footage of the single family home is 4420 square feet (a figure derived from the sum of: 3095 square feet above grade + 1023 (ADU in walkout basement) + 302 square feet (basement storage area)). As a result, the ADU represents 23% of the gross floor area of the principal dwelling unit. The ADU is thus less than the 35% threshold in Standard 3.
4. **Response to Standard 4:** The ADU will have one bathroom, which is an existing bathroom in the walkout basement.
5. **Response to Standard 5:**
 - (A) The co-applicant owners and the two children mentioned above will continue to occupy the principal dwelling unit;
 - (B) Diane Keller, age 66, will occupy the ADU;
 - (C) Diane Keller is the mother of co-applicant Rachel Leigh Semanchik, and is a blood relation.
6. **Response to Standard 6:** Ms. Keller is not disabled, and this standard is not applicable.
7. **Response to Standard 7:** The existing driveway can accommodate parking. The residence is located on a large cul-de-sac and there is ample parking on the cul-de-sac as well.
8. **Response to Standard 8:** If approved, this ADU “will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.”
9. **Response to Standard 9:** The ADU will meet all applicable regulations, and building applications are or will be submitted to ensure compliance.

10. **Standard 10** relates to the Board's land recordation process for the ADU, and does not require a response from the applicant(s).
11. We agree to make the property available for County inspections in accordance with **Standard 11.**
12. **Response to Standard 12:** We understand that the ADU will be approved for a 5-year period and may be extended for succeeding 5-year periods in accordance with Standard 12 and 8-012 (regarding renewals of special permits).

For the foregoing reasons, this application for an ADU should be approved. Please contact us with any questions.

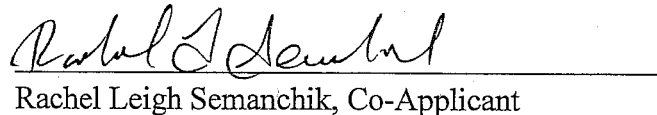
I hereby certify that I have authority to make this application and that the information is complete and correct.



David Michael Semanchik, Co-Applicant

Dated: August 29, 2012

I hereby certify that I have authority to make this application and that the information is complete and correct.



Rachel Leigh Semanchik, Co-Applicant

Dated: August 29, 2012

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad

Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
 - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.
- 7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is

insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.